## EXECUTIVE SUMMARY - ENFORCEMENT MATTER

Page 1 of 2

**DOCKET NO.:** 2007-1571-PST-E **TCEQ ID:** RN101912053 **CASE NO.:** 34714

RESPONDENT NAME: Marina Bello dba Bello's Korner Store

ORDER TYPE:		
X 1660 AGREED ORDER	FINDINGS AGREED ORDER	FINDINGS ORDER FOLLOWING SOAH HEARING
FINDINGS DEFAULT ORDER	_SHUTDOWN ORDER	IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
_AMENDED ORDER	EMERGENCY ORDER	
CASE TYPE:		
AIR	MULTI-MEDIA (check all that apply)	INDUSTRIAL AND HAZARDOUS WASTE
PUBLIC WATER SUPPLY	X_PETROLEUM STORAGE TANKS	_OCCUPATIONAL CERTIFICATION
WATER QUALITY	SEWAGE SLUDGE	UNDERGROUND INJECTION CONTROL
MUNICIPAL SOLID WASTE	RADIOACTIVE WASTE	DRY CLEANER REGISTRATION
TYPE OF OPERATION: Convenience sto	RED: Bello's Korner Store, 19354 South US Highware with retail sales of gasoline _No	ray 281, San Antonio, Bexar County
OTHER SIGNIFICANT MATTERS: The facility location.	re are no complaints. There is no record of additiona	al pending enforcement actions regarding this
INTERESTED PARTIES: No one other tha	an the ED and the Respondent has expressed an inte	rest in this matter.
COMMENTS RECEIVED: The Texas Reg	ister comment period expired on March 10, 2008. 1	No comments were received.
TCEQ Enforcement Coordinator Mr. Bryan Sinclair, Enforcement D Respondent: Ms. Marina A. Bello	or: Ms. Melissa Keller, SEP Coordinator, Enforcement Mr. Rajesh Acharya, Enforcement Division, Enforcement Division, MC 219, (512) 239-2171, Owner, Bello's Korner Store, 19354 South US Hig esented by counsel on this enforcement matter	reement Team 6, MC 128, (512) 239-0577;

## RESPONDENT NAME: Marina Bello dba Bello's Korner Store DOCKET NO.: 2007-1571-PST-E

**VIOLATION SUMMARY CHART: VIOLATION INFORMATION** PENALTY CONSIDERATIONS **CORRECTIVE ACTIONS** TAKEN/REQUIRED **Ordering Provisions:** Type of Investigation: Total Assessed: \$5,000 Complaint 1) The Order will require the Respondent X Routine Total Deferred: \$1,000 to implement and complete a \_ Enforcement Follow-up X Expedited Settlement Supplemental Environmental Project Records Review (SEP). (See SEP Attachment A) Financial Inability to Pay Date(s) of Complaints Relating to this SEP Conditional Offset: \$2,000 2) The Order will also require the Case: None Respondent to: Date of Investigation Relating to this Total Paid (Due) to General Revenue: \$500 Case: July 18, 2007 (remaining \$1,500 due in 3 monthly payments a. Immediately upon the effective date of this Agreed Order: of \$500 each) Date of NOV/NOE Relating to this Case: i. Cease accepting fuel until such time as a September 19, 2007 (NOE) **Site Compliance History Classification** valid delivery certificate is obtained from High X Average Poor the TCEQ by submitting a properly Background Facts: This was a routine completed UST registration and selfinvestigation. Person Compliance History Classification certification form; and High X Average Poor WASTE ii. Begin maintaining all UST records. Major Source: \_\_\_ Yes \_X\_ No 1) Failed to provide proper corrosion b. Within 30 days after the effective date protection for the underground storage Applicable Penalty Policy: September 2002 of this Agreed Order, install and tank ("UST") system [30 Tex. ADMIN. implement a corrosion protection method CODE § 334.49(a) and TEX. WATER CODE § for the UST system at the Facility. 26.3475(d)]. 2) Failed to maintain UST records and c. Within 45 days after the effective date of this Agreed Order, submit written make them immediately available for certification and include detailed inspection upon request by agency supporting documentation including personnel [30 Tex. ADMIN. CODE § photographs, receipts, and/or other records 334.10(b)]. to demonstrate compliance with Ordering 3) Failed to timely renew a previously Provision Nos. 2.a.i. through 2.b. issued UST delivery certificate by submitting a properly completed UST registration and self-certification form at least 30 days before the expiration date. Specifically, the delivery certificate expired on March 30, 2007 [30 TEX. ADMIN. CODE § 334.8(c)(5)(B)(ii)]. 4) Failed to make available to a common carrier a valid, current TCEQ delivery certificate before accepting delivery of a regulated substance into the USTs. Specifically, one fuel delivery was accepted without a delivery certificate [30 TEX. ADMIN. CODE § 334.8(c)(5)(A)(i) and Tex. Water Code § 26.3467(a)].

## Attachment A Docket Number: 2007-1571-PST-E

#### SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent: Marina Bello dba Bello's Korner Store

Payable Penalty Amount: Four Thousand Dollars (\$4,000)

SEP Amount: Two Thousand Dollars (\$2,000)

Type of SEP: Pre-approved

Third-Party Recipient: Audubon Society-Mitchell Lake Project

**Location of SEP:** Bexar County

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative Penalty Amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

### 1. Project Description

#### A. Project

The Respondent shall contribute the SEP Amount to the Third-Party Recipient pursuant to the agreement between the Third-Party Recipient and the TCEQ. Specifically, the contribution will be used to restore the 600-acre upland habitat at the Mitchell Lake Audubon Center and Sanctuary by removing non-native, exotic plant species and re-establishing native grasses, forbs, and woody vegetation. The re-introduction of the native vegetation throughout the uplands will provide maximum benefit for the wildlife of Mitchell Lake.

The Respondent certifies that there is no prior commitment to do this project and that it is being performed solely in an effort to settle this enforcement action.

#### B. Environmental Benefit

This SEP will provide a discernible environmental benefit by restoring native habitat for wildlife.

### C. <u>Minimum Expenditure</u>

The Respondent shall contribute at least the SEP Amount to the Third-Party Recipient and comply with all other provisions of this SEP.

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#### 2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Amount to the Third-Party Recipient. The Respondent shall mail the contribution, with a copy of the Agreed Order, to:

Ms. Marnie Francell, Program Director Audubon Texas 427 Sterzing Street Austin, Texas 78704

#### 3. Records and Reporting

Concurrent with the payment of the SEP Amount, the Respondent shall provide the TCEQ SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Amount to the Third-Party Recipient. The Respondent shall mail a copy of the check and transmittal letter to:

Enforcement Division Attention: SEP Coordinator, MC 219 Texas Commission on Environmental Quality P.O. Box 13087 Austin, Texas 78711-3087

#### 4. Failure to Fully Perform

If the Respondent does not perform its obligations under this SEP in any way, including full payment of the SEP Amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP Amount.

The check for any amount due shall be made out to "Texas Commission on Environmental Quality" and mailed to:

Texas Commission on Environmental Quality Financial Administration Division, Revenues Attention: Cashier, MC 214 P.O. Box 13088 Austin, Texas 78711-3088

The Respondent shall also mail a copy of the check to the TCEQ SEP Coordinator at the address in Section 3 above.

#### 5. Publicity

Any public statements concerning this SEP made by or on behalf of the Respondent must include a clear statement that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

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Marina Bello dba Bello's Korner Store Agreed Order – Attachment A

#### 6. Clean Texas Program

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

## 7. Other SEPs by TCEQ or Other Agencies

The SEP identified in this Agreed Order has not been, and shall not be, included as an SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.

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TCEA	ember 2002)	·		FOW Revision de	ptember 19, 2007
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RESPONDENT/FACILITY	INFORMATION				
Respondent	Marina Bello dba Bello's Korner Store	<del></del>		,	
Reg. Ent. Ref. No.				I. a.	
Facility/Site Region	13-San Antonio	Major/	Minor Source	Minor	
CASE INFORMATION		**************************************			
Enf./Case ID No.	34714	No.	of Violations	4	
	2007-1571-PST-E		Order Type		
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Emissions Chronic excessive emissions events (number of events)  Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)  Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)  Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)  Please Enter Yes or No  No 0%  Voluntary on-site compliance assessments conducted by the executive director under a special assistance program Participation in a voluntary pollution reduction program No 0%  Early compliance with, or offer of a product that meets future state or federal government No 0%  Early compliance with, or offer of a product that meets future state or federal government No 0%  Adjustment Percentage (Subtotal 2)  Repeat Violator (Subtotal 3)  No Adjustment Percentage (Subtotal 3)  Compliance History Person Classification (Subtotal 7)  Average Performer  Adjustment Percentage (Subtotal 7)  Compliance History Summary  Compliance History Summary	<ul> <li>a month of the last of the la</li></ul>	judgments or consent decrees without a denial of liability, of this state or the federal		0%
Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)  Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)  Please Enter Yes or No  Environmental management systems in place for one year or more  No  Owe Voluntary on-site compliance assessments conducted by the executive director under a special assistance program  Participation in a voluntary pollution reduction program  No  O%  Adjustment Percentage (Subtotal 2)  Repeat Violator (Subtotal 3)  No  Adjustment Percentage (Subtotal 3)  Adjustment Percentage (Subtotal 7)  Average Performer  Compliance History Person Classification (Subtotal 7)  No adjustment for compliance history, Notes	Convictions	Any criminal convictions of this state or the federal government (number of counts)	. 0	0%
Audits  Audits  Letters notifying the executive director or an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)  Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)  Please Enter Yes or No  Please Enter Yes or No  Owe Voluntary on-site compliance assessments conducted by the executive director under a No  Owe Special assistance program  Participation in a voluntary pollution reduction program  Participation in a voluntary pollution reduction program  Early compliance with, or offer of a product that meets future state or federal government No  Owe Owe State Office of Subtotal 2  Repeat Violator (Subtotal 3)  No  Adjustment Percentage (Subtotal 2)  Compliance History Person Classification (Subtotal 7)  Average Performer  Compliance History Summary  Compliance History Summary  No adjustment for compliance history.  No adjustment for compliance history.	Emissions	Chronic excessive emissions events (number of events)		0%
Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)  Please Enter Yes or No  Environmental management systems in place for one year or more No 0%  Voluntary on-site compliance assessments conducted by the executive director under a special assistance program  Participation in a voluntary pollution reduction program No 0%  Early compliance with, or offer of a product that meets future state or federal government environmental requirements  Adjustment Percentage (Subtotal 2)  Repeat Violator (Subtotal 3)  No Adjustment Percentage (Subtotal 3)  Compliance History Person Classification (Subtotal 7)  Average Performer  Adjustment Percentage (Subtotal 7)  Compliance History Summary  Compliance History Summary  No adjustment for compliance history.  No adjustment for compliance history.	Audite	Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of	19	0%
Environmental management systems in place for one year or more	Audito			0%
Other    Other   Voluntary on-site compliance assessments conducted by the executive director under a special assistance program   No		Plea	se Enter Yes or No	
Other Special assistance program Special assista		Environmental management systems in place for one year or more	No	0%
Participation in a voluntary pollution reduction program  Early compliance with, or offer of a product that meets future state or federal government environmental requirements  Adjustment Percentage (Subtotal 2)  Repeat Violator (Subtotal 3)  No  Adjustment Percentage (Subtotal 3)  Compliance History Person Classification (Subtotal 7)  Average Performer  Adjustment Percentage (Subtotal 7)  Compliance History Summary  Compliance History No adjustment for compliance history.  No adjustment for compliance history.	Othor		No	0%
Early compliance with, or offer of a product that meets future state or federal government  **Repeat Violator (Subtotal 3)**  **No**  **Repeat Violator (Subtotal 3)*  **No**  **Adjustment Percentage (Subtotal 3)*  **Compliance History Person Classification (Subtotal 7)*  **Average Performer*  **Adjustment Percentage (Subtotal 7)*  **Adjustment Percentage (Subtotal 7)*  **Compliance History Summary**  **Compliance History Summary**  **No**  **No**  **No**  **Adjustment Percentage (Subtotal 7)*  **No**  **No**  **Adjustment Percentage (Subtotal 7)*  **No**  **No**  **Adjustment Percentage (Subtotal 7)*  **No**  **No*		Participation in a voluntary pollution reduction program	No	0%
Repeat Violator (Subtotal 3)  No  Adjustment Percentage (Subtotal 3)  Compliance History Person Classification (Subtotal 7)  Average Performer  Adjustment Percentage (Subtotal 7)  Compliance History Summary  Compliance History No adjustment for compliance history. Notes		Early compliance with, or offer of a product that meets future state or federal government	No	0%
No  Compliance History Person Classification (Subtotal 7)  Average Performer  Adjustment Percentage (Subtotal 7)  Compliance History Summary  Compliance History No adjustment for compliance history. No tes	7	Adjustment P	'ercentage (Sเ	ıbtotal 2)
No  Compliance History Person Classification (Subtotal 7)  Average Performer  Adjustment Percentage (Subtotal 7)  Compliance History Summary  Compliance History No adjustment for compliance history, Notes	Repeat Violator (Su	ibtotal 3)	tute, a t	
Average Performer  Compliance History Summary  Compliance History No adjustment for compliance history.  No adjustment for compliance history.	· · · · · · · · · · · · · · · · · · ·	The state of the s	'ercentage (Sเ	ıbtotal 3) 🗌
Average Performer  Compliance History Summary  Compliance History No adjustment for compliance history.  No adjustment for compliance history.	Compliance History	/ Person Classification (Subtotal 7)		The state of
Compliance History Summary  Compliance History No adjustment for compliance history, Notes			laraant /C-	thtotal 7
Compliance History Notes  No adjustment for compliance history.	Average Po	enormer Adjustment P	ercemage (St	ιοιοιαι /) [
History No adjustment for compliance history. Notes	Compliance History	/ Summary	PA STATE	Managara na ma
	History	No adjustment for compliance history.		

Scree	ning Date	26-Sep-2007	***************************************	Docke	et No. 2007-157	1-PST-E		PCW
Re	spondent	Marina Bello dba	a Bello's Korr	ner Store			Policy Revision	2 (September 2002)
Ca	ase ID No.	34714					PCW Revision	September 19, 2007
Reg. Ent. Refe	rence No.	RN101912053						v.a.manovor
Media	a [Statute]	Petroleum Stora	age Tank	•				EDDOOY YALLAS
Enf. Co	ordinator	Rajesh Acharya	l					- 10000000
Violat	ion Number	1						*
	Rule Cite(s)							Para de la constante de la con
	11410 0110(0)	30 Tex	c. Admin. Cod	de § 334.49(a) and	d Tex. Water Code	e § 26.3475(d)		ANNAL ANNUAL CONTRACTOR OF THE PERSON OF THE
Violation	Description	Faile	ed to provide	proper corrosion p	protection for the U	JST system.		
	Į							All
						Base I	Penalty	\$10,000
						2400 .		
>> Environmental,	Property a	nd Human H	ealth Matr	ix		Short State Art State		
	. De Japan 1990.	inga bi cari xa iiro a B	Harm		SERVICE AND DESCRIPTION OF THE SERVICE OF THE SERVI			Vision & COTTON
	Release		Moderate	Minor				0770.01.000
OR	Actual				_ ,	2-2/1		Distribution
	Potential	x	L		Percent	25%		- Address
		SARIE TASSAYESTI SKOT						±.VARO.00
>>Programmatic N	latrix Falsification	Major	Madarata	Minor	7. F. S.			A CAST TRANS.
i i	Faisilication	Major	Moderate		Percent	0%		O CONTRACTOR OF THE CONTRACTOR
L Company		<u> </u>			1 Crociii	<u> </u>		VA.1.00000000
								Servey Date (A
Matrix	Human hea	Ith or the enviror	nment will or	could be exposed	to pollutants whic	h would exceed	levels	O ATTENDAM
Notes	that are	protective of hu	ıman health o	or environmental r	eceptors as a resu	ult of the violatio	n.	ngapawa
								aovvoidue
A THE RESERVE					Adjustmen	t	\$7,500	- Continued AVIII
and though as established die comment	USSILABET DA SANJUNGO		ideliningun (5. 1. 2007274	60) 214 (PEGE 1010) E. DE DEREN 1466 J. RAM	Sport Colonial Sections of House Colonial Section (1999)	2.3 <u>4</u>		
							,	\$2,500
1924 - C. Colesse (Maria 2008) (1970) (1	BORESEE BERNEUE					The analysis of the Carl	2.51.8183	
Violation Events		A Company of the Comp		1000				and the second
	Number of Vi	olation Events	1	<u> </u>	70 Number o	of violation days		VATELLEVOOR
	Number of vic	Diation Events		<u> </u>	70Trainboi	or violation days		para
		daily						
		monthly						· · · · · · · · · · · · · · · · · · ·
	mark only one	quarterly	x		•	Violation Base	Penalty	\$2,500
	with an x	semiannual			•			
		annual					•	
		single event						O CONTRACTOR OF THE CONTRACTOR
		**************************************						WHITE CONTROL OF THE
	One quarte	rly event is reco	mmended fro	om the investigation	on date of July 18	2007 to the scre	eenina	AAAAAAAA
	One quarte	ny event is reco		of September 26,		2007 to the con-	30,,,,,,9	AAAA YAYA BEEAA
1								AAA AAAA AAAA AAAA AAAA AAAA AAAA AAAA AAAA
	· <u>Universit</u> e anderen						(C.2) (FEFERE	na and a chamber
Economic Benefit	(EB) for th	is violation			Statuto	ry Limit Test		and the second
A Administration on	Ectimate	d EB Amount		\$585	Violat	ion Final Penal	tv Total	\$2,500
	Estimate	u EB AIIIOUIII		4000]	VIOIA		-,	
			Tì	nis violation Fina	l Assessed Pena	Ity (adjusted fo	r limits)	\$2,500
Participation of the second of								

Violation No.		age Tank				Percent Interest	Years of Depreciatio
		Calebraic Stevens Notice Co.			in propagational parameter and	5.0	
Item Description	Item Cost No commas or \$	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amoun
Delayed Costs		MONETURE FOR STORY FOR STORY AND STO	. Salaran	Jana			
Equipment	\$10,000	18-Jul-2007	18-May-2008	0.8	\$28	\$557	\$585
Bulldings		10 N. 10 Land		0,0	\$0	\$0	\$0
Other (as needed)	responding the Charles of A		i judaka Badibad dakir d	0.0	\$0	\$0	\$0
Engineering/construction	Z. 12. V. 12. Z. 12			0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0,0	\$0	n/a	\$0
Training/Sampling				0,0	\$0	n/a	\$0
Remediation/Disposal				0,0	\$0	n/a	\$0
Permit Costs Other (as needed)			www.sidubda.co.in.it.it.it.it.	0,0	\$0 \$0	n/a n/a	\$0 \$0
Notes for DELAYED costs	Estimated cos	to provide corrosio			system. Date Req ate of compliance.	ulred is the investiga	tion date. Fin
	ANN	UALIZE [1] avoide	d costs before e	ntering		one-time avoided c	
Avoided Costs		PLANT AND A STATE OF THE STATE		0.0	\$0	\$0	\$0
Avoided Costs Disposal	1:000		proch in Keyap Adgis ma	0,0	\$0	\$0	\$0
Disposal Personnel	1,200				\$0	\$0	\$0
Disposal Personnel Inspection/Reporting/Sampling				0.0			\$0
Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment				0.0	\$0	\$0	
Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]				0.0	\$0 \$0	\$0	\$0
Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]				0.0 0.0 0.0	\$0 \$0 \$0	\$0 \$0	\$0 \$0
Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]			e e e ka ka ana	0.0	\$0 \$0	\$0	\$0

Scre	ening Date 26-Sep-20	07	Docket N	<b>No.</b> 2007-1571-PST-E	PCW
R	Respondent Marina Be	llo dba Bello's Korner Sto	re		Policy Revision 2 (September 2002)
	Case ID No. 34714				PCW Revision September 19, 2007
Reg. Ent. Ref	ference No. RN101912	2053			
	lia [Statute] Petroleum			,	
	Coordinator Rajesh Ad				
	ation Number 2				
	Rule Cite(s)	30 Tev	Admin. Code §	334 10(h)	
		50 167.	Admin. Code 3	004.10(0)	
Violatio	n Description Failed t		nd make them i luest by agency	mmediately available for insp personnel.	ection
				Base	<b>Penalty</b> \$10,000
>> Environmental	Release Major Actual Potential	an Health Matrix  Harm  Moderate Mine	or	Percent 0%	
88N	COMPANY OF THE PROPERTY OF THE				1177
>>Programmatic		Madagata Min			
	Falsification Major	Moderate Min	or	Percent 10%	
	L X			reiceit 1070	
Matrix Notes		100% of the rule re	quirement was	not met.	
			god god Australia	Adjustment	\$9,000
Canno (1) anistra la litara designation	Andre Telefore Maria (N. 1904) and an Albander (N. 1904) and an annual from the Company of the C		idellika 1990 kalenda oli oli dalah kelalah salah kelalah salah kelalah salah kelalah salah kelalah salah kelal Salah salah sa	s day to the SSS # ## ############################	
E DE LA CALLANTA DE L					\$1,000
Violation Events				POLICE NAME OF THE PROPERTY OF	
a Bail (Sail Thisis, Taisis accessions United Science)	i R.P. Lucia (S.C.). Internet Links (Methodia (Methodia) (Methodia) (Methodia) (Methodia) (Methodia) (Methodia)		SEE NOSE . Produce of the secret for the field by be		Samurida dancia antistis
	Number of Violation Eve	nts 1	70	Number of violation day	s
		220.			
	daily				
	monthl mark only one quarter			Violation Base	Penalty \$1,000
	mark only one quarter with an x semiann			Violation Base	101111
	annua				
	single ev				
	·				
	One single event is re		cumentation of stigation.	the violation during the July 1	8, 2007
Entitle 4 to kind community and the community of the comm			Salkare element in alla tara		
Economic Benefi	it (EB) for this violat	ion		Statutory Limit Tes	
	Estimated EB Amo	unt	\$19	Violation Final Pena	alty Total \$1,000
Automata					
AMERICA A SECRETARISM SOCIAL CO		This vio	olation Final As	ssessed Penalty (adjusted f	or limits) \$1,000
TO BE THE PROPERTY OF		r Alia Par Pari Larah III. Mila Bira La		P. Sp. Pater M. Grand Education and	

Violation No.	Petroleum Stor	age Tank				Percent Interest	Years of Depreciation
WOUND IN	in whether is a se				AMERICAN AND PROM	5.0	1
a de contration de designation de designation de la contraction de	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$	ety estimate the second				*(c.)**	
Delayed Costs	ANE DETECTION OF THE SECOND SE	MS-20134 (1773)	The Ball Control		a PRI CHE LIENTON SEL INFECCIOLATA		
Equipment				0.0	\$0	\$0	\$0
Buildings		(Apple) 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1		0,0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction	844 - Sept. 1994 - 19			0.0	\$0	\$0	\$0
Land				0,0	\$0	is such n/a	\$0
Record Keeping System	\$500	18-Jul-2007	18-Apr-2008	0.8	\$19	n/a	\$19
Training/Sampling		الزاحين والمستنسسة والمنافع		0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs Other (as needed)			Landa i Alexandra	0.0	\$0 \$0	n/a n/a	\$0 \$0
Notes for DELAYED costs	Estimated	çoşt to maintain the	required records estimated			estigation date. Final	Date is the
				date of	Compilance.		
Avoided Costs	ANN	IUALIZE [1] avoide			f.,	one-time avoided o	osts)*******
Avoided Costs Disposal	ANN	IUALIZE [1] avoide			f.,	one-time avoided c	osts)************
	ANN	IUALIZE [1] avoide		ntering	item (except for \$0 \$0	\$0 \$0	Justaj
Disposal	ANN	IUALIZE [1] avoide		ntering 0,0 0,0 0,0	tem (except for   \$0	\$0 \$0 \$0	\$0 \$0 \$0
Disposal Personnel	ANN	IUALIZE [1] avoide		ntering 0,0 0,0	item (except for \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0
Disposal Personnel Inspection/Reporting/Sampling	ANN	IUALIZE [1] avoide		0.0 0.0 0.0 0.0 0.0 0.0	item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0
Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment	ANN	IUALIZE [1] avoide		0.0 0.0 0.0 0.0 0.0 0.0 0.0	item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0
Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	ANN	IUALIZE [1] avoide		0.0 0.0 0.0 0.0 0.0 0.0	item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0
Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	ANN	JUALIZE [1] avoide		0.0 0.0 0.0 0.0 0.0 0.0 0.0	item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0

Screening Date	26-Sep-2007	Docket	<b>No.</b> 2007-1571-PST-E	PCW
Respondent	t Marina Bello dba Bello's I	Korner Store	Police	y Revision 2 (September 2002)
Case ID No.	. 34714		PCV	V Revision September 19, 2007
Reg. Ent. Reference No.	. RN101912053			
	Petroleum Storage Tank			
Enf. Coordinator	='			
Violation Numbe				
Rule Cite(s	)	30 Tex. Admin. Code § 33	4.8(c)(5)(B)(ii)	
		oo rox. /turiiii. couc 3 co	πο(ο)(ο)(ο)(ο)	
Violation Description	properly completed US	T registration and self-cer	delivery certificate by submitting a tification form at least 30 days befor rtificate expired on March 30, 2007.	
			Base Pena	lty \$10,000
>> Environmental, Property  Release OR Actual Potentia	Harm e Major Moderate	*	Percent 0%	
>>Programmatic Matrix				
Falsification	n Major Moderate	e Minor		
	T x		Percent 10%	
			<u> </u>	
Matrix Notes	100% of	the rule requirement was	not met.  Adjustment \$9,0	000
	ili mata in dilimita	The Control of the Co	adding and Tonic Tonic Tonic and Tonic and an area	
				\$1,000
		onico (Carlotta Carlotta Carl	ana	
Violation Events				
Number of V	iolation Events 1	70	Number of violation days	
			<del></del>	•
mark only one with an x	daily monthly quarterly semiannual annual single event x		Violation Base Pena	<b>slty</b> \$1,000
One single	e event is recommended ba	ased on documentation of investigation.	the violation during the July 18, 200	07
Economic Benefit (EB) for t	his violation		Statutory Limit Test	
and the second s	ed EB Amount	\$6	Violation Final Penalty To	otal \$1,000
		This violation Final A	ssessed Penalty (adjusted for lim	its) \$1,000
		iliis viviativii Filidi A	SSCSSEU I CHAILY (AUJUSTEU IOI IIII	Ψ1,000

Violation No. 3  Item Description  Delayed Costs Equipment Buildings Other (as needed) Engineering/construction Land	RN101912053 Petroleum Store	age Tank  Date Required	Final Date	Yrs	Interest Saved	Percent Interest 5.0 Onetime Costs	i dara lad
Media F Violation No. 3  Item Description  Delayed Costs Equipment Buildings Other (as needed) Engineering/construction Land	Petroleum Stor		Final Date	Yrs	Interest Saved	5.0	Depreciation
Violation No. 3  Item Description  Delayed Costs Equipment Buildings Other (as needed) Engineering/construction Land	Item Cost		Final Date	Yrs	Interest Saved	5.0	Depreciation
Item Description  Delayed Costs Equipment Buildings Other (as needed) Engineering/construction Land	Item Cost	Date Required	Final Date	Yrs	Interest Saved	because and a section of the second decrease in the	15
Delayed Costs Equipment Buildings Other (as needed) Engineering/construction Land	Grand Grand Color	Date Required	Final Dåte	Yrs	Interest Saved	because and a section of the second decrease in the	<del>*************************************</del>
Delayed Costs Equipment Buildings Other (as needed) Engineering/construction Land	Grand Grand Color	Date Required	Final Date	Yrs	Interest Saved	Unetime Costs	EB Amount
Equipment Buildings Other (as needed) Engineering/construction Land							
Equipment Buildings Other (as needed) Engineering/construction Land	The state of the s						
Other (as needed) Engineering/construction Land	all the second	1 To		0.0	\$0	\$0	\$0
Engineering/construction Land				0,0	\$0	\$0	\$0
Land	Control of the second control of the	prince and the prince		0,0	\$0	\$0	\$0
	100000000000000000000000000000000000000		Company Balabasa.	- 0.0	\$0	\$0	\$0
	National Control			0,0	\$0	n/a	\$0
Record Keeping System		addition back a constant		0.0	\$0	n/a	\$0
Training/Sampling			and the second second	0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs Other (as needed)	\$100	28-Feb-2007	8-Apr-2008	0,0	\$0 \$6	n/a n/a	\$0 \$6
Notes for DELAYED costs	Estimated of certification for	m. Date Required is	s 30 days prior to	the expl	ng a properly com ration date of the c compliance.	pleted UST registrati delivery certificate. F	ion and self- inal Date is the
Avoided Costs_	ANN	UALIZE [1] avoide	d costs before e	entering	item (except for	one-time avoided c	osts)
Disposal				0.0	\$0	\$0	\$0
Personnel	Property Control		والمراجع والأراج المراجع	0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling	111 - 11 11 1 <b>988</b> 98 13	ar i e		0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0,0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Notes for AVOIDED costs						esta de la composición del composición de la com	
				<u> </u>			

Scre	ening Date	26-Sep-2007		Docket No. 2007-1571	-PST-E	PCW
	_	•	Bello's Korner Store			Policy Revision 2 (September 2002)
	Case ID No.					PCW Revision September 19, 2007
Reg. Ent. Ref	ference No.	RN101912053				
<del>-</del>		Petroleum Storage	e Tank			•
	-	Rajesh Acharya				
	ation Number	·····				
	Rule Cite(s)	30 Tex. Adı	min. Code § 334.8(c)	(5)(A)(i) and Tex. Water Co	ode § 26.3467(a	a)
Violatio	n Description	Failed to make a before accepting	delivery of a regulate	n carrier a valid, current TC ed substance into the USTs ed without a delivery certifio	. Specifically, c	rtificate one fuel
					Base	Penalty \$10,000
>> Environmenta	l, Property	and Human Hea	alth Matrix		a de la companya de l	
	general activities and the contract of the con		Harm	who place a dealth of the following and a second of the		
	Release	r	oderate Minor			
OR h	Actua			Percent	5%	
	Potentia		<u>X</u>		376	
>>Programmatic	Matrix	AMBERS ESPERA		**************************************		•
~~Fiogrammatic	Falsification	Major M	oderate Minor	interior de la latin de la companya		\$
	T diomodion	1		Percent	0%	
	L	<u> </u>		one and the second		
Matrix Notes	Human heal would not e	th or the environme ceed levels that ar	ent will or could be ex re protective of huma the viola	posed to insignificant amoun health or environmental r ation.	unts of pollutant eceptors as a r	ts which result of
				Adjustmen	*1	\$9,500
				Aujustinen	<u> </u>	Ψ0,000
				1	٠	\$50
Violation Events	ve in the Bergulangs p	Control of the Park Control for			Andrews (Sept.)	
	y juga ka Madi addibita Santa		allita alamani eta araba araba alika bababaa	katta, ja aja garandata kadikanta katibeeta kaanaan aa araa ka debe	Miller and attention to account to a development	nii e falladhannannadh
	Number of V	olation Events	1	1 Number of	of violation days	3
		daily				
		monthly		,	√iolation Base	Penalty \$50
	mark only one with an x	quarterly		· · · · · · · · · · · · · · · · · · ·	Violation base	renalty \$\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\
•	WILL GIT A	semiannual annual				
### ### ### ### ### ### ### ### ### ##		single event	x			
		alligie event				
			One single event i	s recommended.		
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## **Compliance History**

Customer/	Respondent/Owner-Operator:	CN603169566	BELLO, MARINA		Classification	AVERAGE	Rating: 3.01
Regulated	Entity:	RN101912053	BELLO'S KORNER STORE		Classification: DEFAULT	AVERAGE BY	Site Rating: 3.0
ID Number	r(s):	PETROLEUM ST REGISTRATION	ORAGE TANK	REGISTRAT	ION		36575
Location:			IWAY 281, SAN ANTONIO, T	X, 78221	Rating Date:	September 01 07	Repeat Violator:
TCEQ Reg	gion:	REGION 13 - SAN	N ANTONIO				
Date Com	pliance History Prepared:	September 26, 20	07				
Agency De	ecision Requiring Compliance History:	Enforcement					
Compliano	e Period:	September 26, 20	02 to September 26, 2007		****		
TCEQ Sta	ff Member to Contact for Additional Infor Rajesh Acharya		nis Compliance History one: (512) 239-0577				
		Site C	ompliance History Comp	onents			
1. Has the	site been in existence and/or operation	for the full five year	compliance period?	Yes			
	re been a (known) change in ownership	of the site during th	e compliance period?	Yes			
	who is the current owner?			Bello, Marina			
4. if Yes,	who was/were the prior owner(s)?		•	Homer, Been	ie		
5. When	did the change(s) in ownership occur?			06/09/2006			
Compor	ents (Multimedia) for the Site :						
Α.	Final Enforcement Orders, court judger N/A	nents, and consent	decrees of the state of Texas	and the federal	government.		
В.	Any criminal convictions of the state of N/A	Texas and the fede	ral government.				
C.	Chronic excessive emissions events.						
	N/A						
D.	The approval dates of investigations. (0 1 09/20/2007 (594476)	CCEDS Inv. Track. I	No.)				
E.	Written notices of violations (NOV). (Co	CEDS Inv. Track. No	o.)				
F.	Environmental audits. N/Å						
G.	Type of environmental management sy	vstems (EMSs).					
	N/A Voluntary on-site compliance assessm	ent dates					
Н.	N/A	eni dates.					
I.	Participation in a voluntary pollution re-	duction program.				•	
	N/A	, ,					
J.	Early compliance.					*	
<u>.</u>	N/A						
Sites Out	side of Texas		•				
	N/A						

## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN	§	BEFORE THE
ENFORCEMENT ACTION	<b>§</b>	
CONCERNING	§	TEXAS COMMISSION ON
MARINA BELLO DBA BELLO'S	§	
KORNER STORE	§ ·	
RN101912053	§	ENVIRONMENTAL QUALITY

#### AGREED ORDER DOCKET NO. 2007-1571-PST-E

#### I. JURISDICTION AND STIPULATIONS

At its \_\_\_\_\_\_ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Marina Bello dba Bello's Korner Store ("the Respondent") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent appear before the Commission and together stipulate that:

- 1. The Respondent owns and operates a convenience store with retail sales of gasoline at 19354 South US Highway 281 in San Antonio, Bexar County, Texas (the "Facility").
- 2. The Respondent's three underground storage tanks ("USTs") are not exempt or excluded from regulation under the Texas Water Code or the rules of the Commission.
- 3. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
- 4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about September 24, 2007.
- 5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
- 6. An administrative penalty in the amount of Five Thousand Dollars (\$5,000) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent

has paid Five Hundred Dollars (\$500) of the administrative penalty and One Thousand Dollars (\$1,000) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, including the payment schedule, the Executive Director may require the Respondent to pay all or part of the deferred penalty.

The remaining amount of One Thousand Five Hundred Dollars (\$1,500) of the administrative penalty shall be payable in three monthly payments of Five Hundred Dollars (\$500) each. The next monthly payment shall be paid within 30 days after the effective date of this Agreed Order. The subsequent payments shall each be paid not later than 30 days following the due date of the previous payment until paid in full. If the Respondent fails to timely and satisfactorily comply with the payment requirements of this Agreed Order, the Executive Director may, at the Executive Director's option, accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. In addition, the failure of the Respondent to meet the payment schedule of this Agreed Order constitutes the failure by the Respondent to timely and satisfactorily comply with all the terms of this Agreed Order. Two Thousand Dollars (\$2,000) shall be conditionally offset by the Respondent's completion of a Supplemental Environmental Project ("SEP").

- 7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
- 8. The Executive Director of the TCEQ and the Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
- 9. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
- 10. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
- 11. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

#### II. ALLEGATIONS

As owner and operator of the Facility, the Respondent is alleged to have:

1. Failed to provide proper corrosion protection for the UST system, in violation of 30 TEX. ADMIN. CODE § 334.49(a) and TEX. WATER CODE § 26.3475(d), as documented during an investigation conducted on July 18, 2007.

- 2. Failed to maintain UST records and make them immediately available for inspection upon request by agency personnel, in violation of 30 TEX. ADMIN. CODE § 334.10(b), as documented during an investigation conducted on July 18, 2007.
- 3. Failed to timely renew a previously issued UST delivery certificate by submitting a properly completed UST registration and self-certification form at least 30 days before the expiration date, in violation of 30 Tex. ADMIN. CODE § 334.8(c)(5)(B)(ii), as documented during an investigation conducted on July 18, 2007. Specifically, the delivery certificate expired on March 30, 2007.
- 4. Failed to make available to a common carrier a valid, current TCEQ delivery certificate before accepting delivery of a regulated substance into the USTs, in violation of 30 TEX. ADMIN. CODE § 334.8(c)(5)(A)(i) and TEX. WATER CODE § 26.3467(a), as documented during an investigation conducted on July 18, 2007. Specifically, one fuel delivery was accepted without a delivery certificate.

#### III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

#### IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations, which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Marina Bello dba Bello's Korner Store, Docket No. 2007-1571-PST-E" to:

Financial Administration Division, Revenues Section Attention: Cashier's Office, MC 214 Texas Commission on Environmental Quality P.O. Box 13088 Austin, Texas 78711-3088

- 2. The Respondent shall implement and complete a SEP in accordance with TEX. WATER CODE § 7.067. As set forth in Section I, Paragraph 6 above, Two Thousand Dollars (\$2,000) of the assessed administrative penalty shall be offset with the condition that the Respondent implement the SEP defined in Attachment A, incorporated herein by reference. The Respondent's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.
- 3. It is further ordered that the Respondent shall undertake the following technical requirements:
  - a. Immediately upon the effective date of this Agreed Order:

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- i. Cease accepting fuel until such time as a valid delivery certificate is obtained from the TCEQ by submitting a properly completed UST registration and self-certification form, in accordance with 30 TEX. ADMIN. CODE § 334.8; and
- ii. Begin maintaining all UST records, in accordance with 30 TEX. ADMIN. CODE § 334.10.
- b. Within 30 days after the effective date of this Agreed Order, install and implement a corrosion protection method for the UST system at the Facility, in accordance with 30 Tex. Admin. Code § 334.49.
- c. Within 45 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 3.a.i. through 3.b. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team
Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with a copy to:

Waste Section Manager San Antonio Regional Office Texas Commission on Environmental Quality 14250 Judson Road San Antonio, Texas 78233-4480

- 4. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
- 5. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days

Marina Bello dba Bello's Korner Store DOCKET NO.2007-1571-PST-E Page 5

after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.

- 6. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
- 7. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
- 8. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
- 9. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

For the Commission

## SIGNATURE PAGE

## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

John Seller 3/5/2008
For the Executive Director  Date
I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.
I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:
A negative impact on compliance history;
• Greater scrutiny of any permit applications submitted;
• Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional
penalties, and/or attorney fees, or to a collection agency;
• Increased penalties in any future enforcement actions;
• Automatic referral to the Attorney General's Office of any future enforcement actions; and
TCEQ seeking other relief as authorized by law.
In addition, any falsification of any compliance documents may result in criminal prosecution.

Signature

Name (Printed or typed)
Authorized Representative of

Marina Bello dba Bello's Korner Store

Date Date

Title

**Instructions**: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.

## Attachment A Docket Number: 2007-1571-PST-E

#### SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent: Marina Bello dba Bello's Korner Store

Payable Penalty Amount: Four Thousand Dollars (\$4,000)

SEP Amount: Two Thousand Dollars (\$2,000)

Type of SEP: Pre-approved

Third-Party Recipient: Audubon Society-Mitchell Lake Project

**Location of SEP:** Bexar County

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative Penalty Amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

#### 1. Project Description

#### A. Project

The Respondent shall contribute the SEP Amount to the Third-Party Recipient pursuant to the agreement between the Third-Party Recipient and the TCEQ. Specifically, the contribution will be used to restore the 600-acre upland habitat at the Mitchell Lake Audubon Center and Sanctuary by removing non-native, exotic plant species and re-establishing native grasses, forbs, and woody vegetation. The re-introduction of the native vegetation throughout the uplands will provide maximum benefit for the wildlife of Mitchell Lake.

The Respondent certifies that there is no prior commitment to do this project and that it is being performed solely in an effort to settle this enforcement action.

#### B. Environmental Benefit

This SEP will provide a discernible environmental benefit by restoring native habitat for wildlife.

#### C. <u>Minimum Expenditure</u>

The Respondent shall contribute at least the SEP Amount to the Third-Party Recipient and comply with all other provisions of this SEP.

Marina Bello dba Bello's Korner Store Agreed Order – Attachment A

#### 2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Amount to the Third-Party Recipient. The Respondent shall mail the contribution, with a copy of the Agreed Order, to:

Ms. Marnie Francell, Program Director Audubon Texas 427 Sterzing Street Austin, Texas 78704

#### 3. Records and Reporting

Concurrent with the payment of the SEP Amount, the Respondent shall provide the TCEQ SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Amount to the Third-Party Recipient. The Respondent shall mail a copy of the check and transmittal letter to:

Enforcement Division Attention: SEP Coordinator, MC 219 Texas Commission on Environmental Quality P.O. Box 13087 Austin, Texas 78711-3087

#### 4. Failure to Fully Perform

If the Respondent does not perform its obligations under this SEP in any way, including full payment of the SEP Amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP Amount.

The check for any amount due shall be made out to "Texas Commission on Environmental Quality" and mailed to:

Texas Commission on Environmental Quality Financial Administration Division, Revenues Attention: Cashier, MC 214 P.O. Box 13088 Austin, Texas 78711-3088

The Respondent shall also mail a copy of the check to the TCEQ SEP Coordinator at the address in Section 3 above.

#### 5. Publicity

Any public statements concerning this SEP made by or on behalf of the Respondent must include a clear statement that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

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Marina Bello dba Bello's Korner Store Agreed Order – Attachment A

#### 6. Clean Texas Program

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

## 7. Other SEPs by TCEQ or Other Agencies

The SEP identified in this Agreed Order has not been, and shall not be, included as an SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.

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